

S/N 10/537,708

In response to the Office Action dated August 17, 2009

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended and is supported in the specification at, for example, page 16, lines 14-21 and original claim 12. Claim 24 has been amended similarly to claim 1. Claim 13 has been canceled without prejudice or disclaimer. Claims 12-16 and 22 have been amended editorially.

35 USC § 102 Rejections

Claims 1-4, 11-12, 17-19 and 24 have been rejected under 35 USC 102(b) as being anticipated by Kawanaka et al. (US 6,599,406) and further by Champagne et al. (US 5,980,708) and Neel et al. (US 6,743,635). Applicants respectfully traverse the rejection.

Claim 1 is directed to an analytical tool to be mounted to an analytical apparatus having a plurality of electrodes formed on the substrate where at least one of the electrodes serves as a disturbing-noise countermeasure electrode. The disturbing-noise countermeasure electrode includes a noise inputting exposed portion for allowing input of static electricity.

Claim 24 is directed to a combination of an analytical tool and an analytical apparatus, the analytical tool being mounted on the analytical apparatus for analysis. The analytical tool has a plurality of electrodes including a working electrode and a grounding electrode serving as a disturbing-noise countermeasure electrode. The disturbing-noise countermeasure electrode includes an exposed connection end and a noise inputting exposed portion for allowing input of static electricity.

Kawanaka discloses a measuring apparatus in Fig. 4. Kawanaka further discloses test strips 141, 145 in Figs. 5 and 6. The test strip 145 is shown merely as an example of a test strip that is not measurable with the measuring apparatus while the test strip 141 is shown as an example of a test strip that is measurable with the measuring apparatus (col. 13, lines 1-64). The specific configuration of the positive electrode 117 and the negative electrode 146 in the test strip 145 is described in order to make a distinction between the

S/N 10/537,708

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test strips 141 and 145, and not for the purpose of discharging static electricity.

Therefore, there is no need for and Kawanaka does not provide or teach a noise inputting exposed portion as required in claim 1. And further, in this regard, in a test strip or biosensor, all electrodes are entirely covered with an insulating coating except for portions thereof for connection to the external terminals.

Champagne discloses a counter electrode 14 which is virtually connected to ground 96 to prevent electric originating noise (col. 14, lines 5-7). Champagne does not disclose how such noise originates and whether the source of the noise resides inside or outside the electrochemical cell. High-frequency noise is generated at the time of switching, and this is normally considered as a cause for noise in the electrochemical cell unless the counter electrode 14 is shown to have a noise inputting exposed portion for input of user static electricity. And, Champagne does not disclose, teach or suggest a noise inputting exposed portion as required in claim 1.

Neel discloses before the meter 200 puts working and counter electrodes 22 and 24 in the high impedance state, meter 200 may first ground them to discharge stored charges. Neel does not teach or suggest a noise inputting exposed portion as required in claim 1.

Therefore, none of Kawanaka, Champagne and Neel teaches or suggests the noise inputting exposed portion feature of claim 1 and the rejection should be withdrawn.

Claim 24 is allowable for at least the same reasons as discussed for claim 1 above. Applicants respectfully request that the rejection of claim 24 be withdrawn.

Claims 2-4, 11-12, and 17-19 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 1-13 and 17-19 have been rejected under 35 USC 102(e) as anticipated by Neel et al. (US 6,743,635). Applicants respectfully traverse the rejection.

Claim 1 is allowable for at least the same reasons as discussed for claim 1 above. Applicants respectfully request that the rejection of claim 1 be withdrawn.

S/N 10/537,708

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The rejection of claim 13 is moot in view of the cancellation of the claim. Claims 2-12, and 17-19 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

35 USC § 103 Rejections

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Miyazaki et al. (US 6,875,327). Applicants respectfully traverse this rejection.

Claims 14-16 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Rappin et al. (US 6,572,745). Applicants respectfully traverse this rejection.

Claim 21 is allowable at least by virtue of its dependence on independent claim 1. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neel et al. (US 6,743,635) in view of Rappin et al. (US 6,572,745) as applied to claim 21, and further in view of Yoshioka et al. (US 5,264,103) and Winarta et al. (US 6,287,451). Applicants respectfully traverse this rejection.

Claims 22-23 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

S/N 10/537,708

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

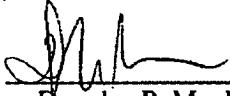
If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: February 16, 2010

By: 
Douglas P. Mueller
Reg. No. 30,300

DPM/ilf